

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

CHESTER H. TRIDLE, JR. §  
Vs. § CIVIL ACTION NO. 9:07CV213  
UNION PACIFIC RAILROAD COMPANY §

ORDER

Plaintiffs Chester H. Tridle, Jr., James M. Jackson, Norman Davis and Bobby Conner filed the above-styled lawsuit on September 10, 2007, in the Eastern District of Texas, Lufkin Division. The matter was referred to the undersigned to conduct pretrial proceedings in accordance with [28 U.S.C. § 636](#).

On March 28, 2008, Defendant filed a Motion to Transfer Venue, seeking a transfer of all claims to the District of Nebraska. Recently, the Fifth Circuit granted a petition for rehearing en banc regarding the decision of [In re Volkswagen, 506 F.3d 376 \(5th Cir. 2007\)](#), vacating its previous opinion and judgment and staying the mandate. *See In re Volkswagen*, No. 07-40058 (5th Cir. Feb. 14, 2008) (order granting petition). The undersigned finds that the *Volkswagen* decision is central to an analysis of a 28 U.S.C. § 1404(a) transfer in this Circuit. As a result, the case should be stayed pending the en banc decision of the Fifth Circuit in *Volkswagen*. In light of the foregoing, it is hereby

**ORDERED** that the above-styled case is **STAYED**, pending the en banc decision of the Fifth Circuit in the matter of *In Re Volkswagen*. It is further

**ORDERED** that the Agreed Motion for Continuance ([document #58](#)) is **GRANTED**, such that the Court will re-set the trial schedule, if appropriate, after the stay is lifted.

So **ORDERED** and **SIGNED** this **10** day of **April, 2008**.



JUDITH K. GUTHRIE  
UNITED STATES MAGISTRATE JUDGE